

House File 102

HOUSE FILE _____
BY STRUYK, BAUDLER, BOAL, DRAKE,
RAYHONS, HUSER, KAUFMANN,
WINDSCHITL, DE BOEF, HUSEMAN,
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CLUTE, GRASSLEY, DEYOE, JACOBS,
GRANZOW, ANDERSON, and WATTS

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act establishing a child endangerment offense for the mother
2 of a newborn child who caused an illegal drug to be present in
3 the newborn child's body, and providing a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1486YH 82
6 jp/je/5

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1 1 Section 1. Section 726.6, subsection 1, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. i. By act or omission a newborn child's
1 4 mother caused an illegal drug to be present in the newborn
1 5 child's body and the drug's presence is a direct and
1 6 foreseeable consequence of the act or omission. Unless the
1 7 presence of the illegal drug caused death or serious injury to
1 8 the newborn child, the drug's presence shall be considered to
1 9 have caused bodily injury to the newborn child. For the
1 10 purposes of this paragraph, "newborn child" means an infant
1 11 who is three days of age or younger.
1 12 Sec. 2. Section 726.6, subsection 6, Code 2007, is amended
1 13 to read as follows:
1 14 6. A person who commits child endangerment resulting in
1 15 bodily injury to a child or minor or child endangerment in
1 16 violation of subsection 1, paragraph "g" or "i", that does not
1 17 result in a serious injury, is guilty of a class "D" felony.
1 18 EXPLANATION
1 19 This bill provides a new child endangerment offense under
1 20 Code section 726.6. The new offense applies to an act or
1 21 omission by the child's mother that caused an illegal drug to
1 22 be present in the body of a newborn child as a direct and
1 23 foreseeable consequence of the act or omission. The term
1 24 "newborn child" is defined to mean an infant who is three days
1 25 of age or younger. Unless the presence of the illegal drug
1 26 caused death or serious injury to the newborn child, the
1 27 drug's presence is considered to have caused bodily injury to
1 28 the child. A child endangerment offense that causes bodily
1 29 injury to a child is punishable as a class "D" felony.
1 30 LSB 1486YH 82
1 31 jp:nh/je/5